

RESOLUTION NO. _____

WHEREAS, the City of Austin has been contracting with Push-Up Foundations, Inc. since 1999; and

WHEREAS, Push-Up's mission is to provide transitional housing and treatment services to substance abusers so they can become self-sufficient, drug and crime free; and

WHEREAS, Push-Up currently houses approximately 50 formerly homeless men at their 1711 E. Cesar Chavez Street location; and

WHEREAS, a source of valuable income for Push-Up is a car wash that earns approximately \$2,800 a month that pays for housing and counseling services at Push-Up; and

WHEREAS, working at the car wash gives the shelter residents the confidence and skills needed to pursue other jobs as they transition into life off the streets; and

WHEREAS, shutting down the car wash would hurt both the foundation and the residents it shelters; and

WHEREAS, City inspectors found 46 building-code violations in January and March at the shelter; and

WHEREAS, Push-Up has resolved forty four (44) of the 46 original code violations, and anticipates that the additional two violations will be resolved soon; and

WHEREAS, Push-Up also lacks a permit for the use of their car wash; and

WHEREAS, Push-Up has filed an application for the use of the car wash with the City; and

WHEREAS, the City Council finds that Push-Up has made substantial progress regarding their violations and finds that it is in the best interest of Push-Up's success that they be allowed to maintain the car wash that brings in a significant amount of revenue for housing and counseling services while their permitting and code violations are resolved; **NOW,**
THEREFORE,

BE IT RESOLVED THAT, the City Manager and City Attorney of the City of Austin are hereby directed to take any and all actions necessary or appropriate, including without limitation the filing of motions and the requesting of judicial orders, to cause the modification of Section 5 of the Order Deferring Dispositions – Zoning Violations: Prohibited Use (12/5/05) in *State of Texas v. Ben Ogbodiegwu*, Cause No. 623380 in the Municipal Court of the City of Austin, County of Travis attached hereto as Exhibit "A" to read as follows:

5. Within thirty (30) On or before the earlier to occur of (i) September 25, 2007 or (ii) a date which is seven (7) day(s) after the adoption of a resolution by the Austin City Council that Defendant has failed to diligently pursue all approvals necessary to make the alleged prohibited use in this case a use that is permitted under applicable City of Austin regulations, the Defendant will cease operating and/or advertising a car wash on the property and/or will cease allowing any and all car wash operations, advertising, development or activity to occur or be conducted on the property without first bringing the property into full compliance with any and/all applicable provisions of Title 25 of the Austin City Code, 2003, as amended, including a conditional use permit or fully approved and released site plan and certificate of occupancy for such use at/of said property. Except as provided in the first sentence of this section, no ~~No~~ such use may occur until all necessary permits have been submitted and approved and released by the City in accordance with any and all applicable zoning, site plan, building, and conditional use permit requirements of Title 25 of the Austin City Code, 2003, as amended. Except as provided in the first sentence of this section, no ~~No~~ uses other than group residential use and/or any other use permitted for such property under the Austin City Code for which a valid Certificate of Occupancy and/or Change of Use permit has been properly obtained (together with all lawful accessory uses as set forth in the Austin City Code in connection with such permitted uses) are allowed on this property.